

## LOEVY & LOEVY

311 N. Aberdeen St., 3rd Floor, Chicago, Illinois 60607

August 16, 2023

Via ECF

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*With apologies and thanks  
to the mediator, the Order  
of Reference to Mediation is  
VACATED. Plaintiffs' application  
is DENIED.*

Re: *Edwin Crespo, et al., v. Joseph Franco, et al.*, Case No. 22-cv-07345-PKC –  
JOINT MOTION TO ADJOURN MEDIATION

Judge Castel:

*SO ORDERED*  
*[Signature]*  
*USDJ*  
*8-25-23*

Plaintiffs Edwin Crespo, Donte Smiley, Tony Serrano, Jose Santiago, Sidney Wray, and Anthony Washington, by and through their attorneys, Loevy & Loevy, respectfully submit this joint motion to adjourn mediation until a later date. The parties do not currently have any upcoming conferences scheduled with the Court. In support of this motion, Plaintiffs state as follows:

Discovery in this case is still ongoing. To date, the parties have served their initial disclosures, and Plaintiffs and the Defendant City of New York have exchanged written requests for discovery and are awaiting responses to their respective subpoena requests to third parties. Pursuant to the Case Management Plan, the parties met with a mediator to discuss settlement on July 18, 2023, and were unable to settle the case. Dkt. 62. The parties have conferred and believe that the most efficient and productive course of action would be to continue fact discovery before engaging in another settlement conference. It is the parties' expectation that they will be able to clarify and narrow the issues throughout discovery. As a result, the parties request to indefinitely adjourn mediation. The parties expect to continue the mediation at a future date once certain issues have been clarified.

WHEREFORE, Plaintiffs, on behalf of the parties, respectfully request an Order from this Court adjourning mediation until a later date.

Dated: August 16, 2023

Respectfully submitted,

/s/ Megan Porter  
*One of Plaintiffs' Attorneys*

*Attorneys for Plaintiffs*  
Jon Loevy  
Danielle Hamilton  
Renee Spence

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**CERTIFICATE OF SERVICE**

I, Megan Porter, an attorney, hereby certify that on August 16, 2023, I filed the foregoing motion using the Court's CM/ECF system, which effected service on all counsel of record listed below.

/s/ Megan Porter  
*One of Plaintiffs' Attorneys*